

13.0 REINITIATION OF CONSULTATION

Consultation must be reinitiated if the amount or extent of taking specified in the incidental take statement is exceeded, or is expected to be exceeded; if new information reveals effects of the action may affect listed species in a way not previously considered; if the action is modified in a way that causes an effect on listed species that was not previously considered; or if a new species is listed or critical habitat is designated that may be affected by the action (50 CFR Section 402.16).

Except as specifically provided in the RPA, these general conditions apply as well to prospective agreements, plans, and contracts that the Action Agencies use to plan for operation of or to actually operate the FCRPS and BOR projects and to coordinate operations with Canada and regional utilities. Examples include implementation of the Columbia River Treaty between the United States and Canada, such as by the adoption of assured operating plans and detailed operating plans; arrangements with Canada for non-Treaty storage; and renewing and revising the Pacific Northwest Coordination Agreement.

To the extent that the prospective agreements are used to achieve operations that are in accordance with this biological opinion, including its RPA, reasonable and prudent measures, and terms and conditions, the effects of those prospective agreements on listed fish have been considered in this biological opinion. To the extent that proposed agreements have effects on FCRPS or BOR operations that affect listed fish in ways not considered in this biological opinion, or have provisions that go beyond implementing the operations specified in the opinion, those proposed actions may require separate consultation or reinitiation of this consultation.

In addition to the general conditions described above, the RPA in this biological opinion provides specific performance standards that, if not met, would result in a reinitiation of this consultation. These performance measures are described in Section 9.2, and the conditions governing reinitiation on the basis of performance are described in Section 9.5. NMFS will issue an RPA failure report if it determines that the performance standards have not been met; this will be the basis for a reinitiation of consultation.

The RPA recommended in this biological opinion also anticipates specific projects to provide offsite mitigation. Details of those projects will be provided in the annual plans required by Section 9.4. When the details are available, formal or informal supplemental consultation may be necessary to consider the effects of those projects and, if appropriate, authorize any incidental take. NMFS' finding letters that evaluate the annual plans will determine the necessity of additional consultation.

Similarly, the RPA requires BOR to provide supplemental biological assessments concerning certain of its irrigation projects that may have local effects on listed species. NMFS' consideration of this additional information may necessitate formal or informal supplemental consultation.

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